

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Walmart Store Texas, LLC

(b) County of Residence of First Listed Plaintiff Benton County, AR  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Karen Spivey, William Thorne, MehaffyWeber, P.C., 2615  
Calder Ave, Ste 800, Beaumont, TX 77702; 409-835-5011**DEFENDANTS**

David R. Pete

County of Residence of First Listed Defendant Jefferson County TX  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>INTELLECTUAL PROPERTY RIGHTS</b>	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury - Product Liability	422 Appeal 28 USC 158	376 Qui Tam (31 USC 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/ Pharmaceutical Personal Injury Product Liability	423 Withdrawal 28 USC 157	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability	410 Antitrust	410 Commerce
150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	<b>PERSONAL PROPERTY</b>	430 Banks and Banking	450 Deportation
151 Medicare Act	340 Marine	370 Other Fraud	460 Drug Application	470 Racketeer Influenced and Corrupt Organizations
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	371 Truth in Lending	820 Copyrights	480 Consumer Credit (15 USC 1681 or 1692)
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	380 Other Personal Property Damage	830 Patent	485 Telephone Consumer Protection Act
160 Stockholders' Suits	355 Motor Vehicle	385 Property Damage	835 Patent - Abbreviated New Drug Application	490 Cable/Sat TV
190 Other Contract	Product Liability	Product Liability	840 Trademark	850 Securities/Commodities/ Exchange
195 Contract Product Liability	360 Other Personal Injury		880 Defend Trade Secrets Act of 2016	890 Other Statutory Actions
196 Franchise	362 Personal Injury - Medical Malpractice			891 Agricultural Acts
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>SOCIAL SECURITY</b>	893 Environmental Matters
210 Land Condemnation	440 Other Civil Rights	<b>Habeas Corpus:</b>	861 HIA (1395ff)	895 Freedom of Information Act
220 Foreclosure	441 Voting	463 Alien Detainee	862 Black Lung (923)	X 896 Arbitration
230 Rent Lease & Ejectment	442 Employment	510 Motions to Vacate Sentence	863 DIWC/DIWW (405(g))	899 Administrative Procedure Act/Review or Appeal of Agency Decision
240 Torts to Land	443 Housing/ Accommodations	530 General	864 SSID Title XVI	950 Constitutionality of State Statutes
245 Tort Product Liability	445 Amer. w/Disabilities - Employment	535 Death Penalty	865 RSI (405(g))	
290 All Other Real Property	446 Amer. w/Disabilities - Other	540 Mandamus & Other		
	448 Education	550 Civil Rights	<b>FEDERAL TAX SUITS</b>	
		555 Prison Condition	870 Taxes (U.S. Plaintiff or Defendant)	
		560 Civil Detainee - Conditions of Confinement	871 IRS—Third Party	
			26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C.A. § 2201 and 9 U.S.C.A. §§ 1 to 16

**VI. CAUSE OF ACTION**Brief description of cause:  
Declaratory Judgement**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE N/A

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

7-3-2023

/s/ Karen L. Spivey

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT \_\_\_\_\_

APPLYING IFFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_